

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COLBERT NICHOLS,
 Plaintiff,

vs.

ROBERT BANNISTER, *et al.*,
 Defendants.

Case No. 2:09-cv-01698-LDG-GWF

ORDER

Motion to Compel or Alternative
 Motion for Contempt of Court (#38)

This matter comes before the Court on Plaintiff's Motion to Compel or in the Alternative, Motion for Contempt of Court (#38), filed on January 12, 2012 and Defendants' Response to Motion to Compel (#40), filed on February 2, 2012.

Plaintiff requests the Court compel Defendants to provide Plaintiff with a copy of his medical records and a ten year history of litigation where Defendants have been named parties. Initially, the Court notes that Plaintiff's discovery motion is untimely. Pursuant to the Court's Scheduling Order (#31), any discovery motions shall be filed no later than December 30, 2011. Plaintiff filed this instant motion on January 12, 2012. Notwithstanding the untimeliness of this motion, the Court further finds Plaintiff's motion lacks merit. Defendants have provided a copy of Plaintiff's medical records to the Warden's office at the Northern Nevada Correctional Center where Plaintiff is currently incarcerated. Defendants informed Plaintiff that if he wishes to view his medical records, he needs to submit a kite request and make the appropriate arrangements with the Warden's office. Defendants have provided Plaintiff with a means of accessing his medical records and therefore have satisfied their discovery obligation to produce Plaintiff's medical records.

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1 Plaintiff's request for a list of all the lawsuits over the past ten years that the
2 Defendants were named as parties is overly burdensome and not relevant to the case at hand. The Court
3 therefore will not compel Defendants to produce such a list. Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel or in the Alternative, Motion
5 for Contempt of Court (#38) is **denied**.

6 DATED this 10th day of February, 2012.

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9 GEORGE FOLEY, JR.
United States Magistrate Judge